

Statement by Senator Tom Harkin  
Before the Senate Finance Committee  
On the Community Choice Act  
September 25, 2007

Thank you, Senator Baucus, for those kind remarks and for holding this hearing today on an issue of extraordinary importance to millions of people with disabilities as well as older Americans. I am proud to be the chief sponsor in the Senate of the Community Choice Act (S.799), legislation that would allow Americans with significant disabilities, as well as older Americans, the *choice* of living in their community, among family and friends, rather than having to live in a nursing home or other institution.

Before I begin, I would like to recognize a few others here today. First, of course, Kevin Concannon, who has done such a fine job as Iowa Director of Health and Human Services, first under Governor Vilsack and now under Governor Culver. And Dr. Mitch LaPlante, whose recent article estimates the annual cost of personal care attendant at a fraction of the previous CBO estimate from 1997.

Mr. Chairman, I look around this room and see many familiar faces, including people who played an active role in helping us to pass the Americans with Disabilities Act in 1990. I see activists, here, from ADAPT, the National Council on Independent Living, and other disability advocacy organizations. Many of these people have devoted themselves for the last decade or longer to

passing the Community Choice Act. This is certainly true of Bob Kafka, who is not able to be with us, today, for health reasons, but I know that he is here in spirit. I applaud all of you for your hard work and dedication in advocating for support and passage of this bill.

The Community Choice Act would amend Title XIX of the Social Security Act to make community-based attendant care services an alternative for Medicaid recipients who are “institutionally eligible.” Under Community Choice, states would receive up to five years enhanced match rate (FMAP) for attendant care services, plus some administrative activities to enable states to develop their long-term care infrastructure. The bill also provides funds to support system-change grants to help states increase their ability to provide home- and community-based services. The purpose of our bill is to level the playing field, and to give eligible individuals equal access to the community-based services and supports that they need.

It is time to end the institutional bias in Medicaid. We need to move beyond today’s unfortunate, discriminatory status quo, with two-thirds of Medicaid long-term-care dollars spent on institutional services, and only one-third going to community-based care.

Like so many in our audience, today, I understand how personal attendant services can make a profound difference in a person’s life. Yes, it costs money to

pay for personal attendant services. But I think of my nephew Kelly, who became a paraplegic after an accident while serving in the United States Navy. The Veterans Administration pays for his attendant services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society.

It has been 10 years since the Community Choice Act – formerly MiCASSA – was first introduced. It has been eight years since the *Olmstead* decision affirmed the right of individuals with disabilities to live in their communities. It has been a long, tough fight – but so, too, was the fight to pass the Americans with Disabilities Act 17 years ago.

Federal Medicaid policy should reflect the goals and ideals enshrined in the ADA: that Americans with disabilities should have equal opportunity, and the right to fully participate in their communities. People with disabilities should not have to sacrifice their ability to participate because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

With appropriate community-based services and supports, we can transform the lives of people with significant disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. And I don't think this is asking too much. This is the bare minimum that we should demand for every human being in our society.

With your help, Mr. Chairman, we got the provisions of the Money Follows the Person passed last year, and CMS has starting awarding the grants. Now we need to build on this progress by getting the Community Choice Act passed. As my nephew Kelly proves every day: the costs of the Community Choice Act would be mostly offset by the benefits of having people with disabilities who are employed, paying taxes, and contributing to the economy.

Thank you again, Mr. Chairman. I look forward to the testimony of the other witnesses.